

# EMPLOYER-EMPLOYEE RELATIONS POLICY

ADOPTED BY THE BOARD OF SUPERVISORS  
AUGUST 6, 1970



COUNTY OF SAN MATEO • CALIFORNIA



COUNTY OF SAN MATEO

EMPLOYER-EMPLOYEE RELATIONS POLICY

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BOARD OF SUPERVISORS, COUNTY OF SAN MATEO  
STATE OF CALIFORNIA  
RESOLUTION NO. 28068

A RESOLUTION REGULATING EMPLOYER-EMPLOYEE RELATIONS  
BETWEEN THE COUNTY OF SAN MATEO AND ITS EMPLOYEES.

SECTION 1. TITLE OF RESOLUTION

This resolution shall be known as the Employer-Employee Relations policy of San Mateo County.

SECTION 2. STATEMENT OF PURPOSE

The purpose of this resolution is to promote full communication between the County and its employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between the County and its employees and their employee organizations. It is also the purpose of this resolution to promote the improvement of personnel management and employer-employee relations within the County government by providing a uniform basis for recognizing the right of County employees to join employee organizations of their own choice and to be represented by such organizations in their employment relationships with the County. Nothing contained herein shall be deemed to supersede the provisions of the County Charter or existing ordinances and civil service rules establishing and regulating the County Civil Service system. Instead, this resolution is intended to strengthen the Civil Service system and other methods of administering employer-employee relations by establishing uniform and orderly methods of communication between employees and the County government.

SECTION 3. DEFINITIONS

The following listed terms shall have the meaning indicated when used in connection with this resolution:

- A. CONFIDENTIAL EMPLOYEE -- an employee who is privy to the decisions of County government affecting employer-employee relations.
- B. CONSULT -- shall mean verbal or written communication for the purpose of presenting and obtaining views or advising of intended actions on matters within the scope of representation.

C. COUNTY -- the County of San Mateo, a political subdivision of the State of California, and, where appropriate herein, County refers to the Board of Supervisors, the governing body of San Mateo County, or any duly authorized management representative as herein defined.

D. DAYS -- calendar days.

E. EMPLOYEE -- any person employed by the County in an authorized position as listed in the current salary ordinance except elected officers.

F. EMPLOYEE ORGANIZATION -- any lawful organization which includes as members employees of the County and which has as one of its purposes representation of such employees in their relations with the County; provided, however, that said organization has no restriction on membership based on race, color, creed, sex, or national origin.

G. EMPLOYEE RELATIONS -- the relationship between the County and its employees and their employee organizations, or when used in a general sense, the relationship between management and employees or employee organizations.

H. FACT FINDING -- the investigation by one or more impartial fact-finders to identify the major issues in a particular dispute, review the positions of the parties, make findings of fact on the issues in dispute, and, when requested by both parties to make advisory recommendations for settlement by the parties involved in the dispute.

I. IMPASSE -- a deadlock in negotiations between a recognized employee organization and the County concerning matters about which they are required to meet and confer in good faith.

J. MANAGEMENT EMPLOYEE -- any employee having significant responsibilities for formulating and administering County policies and programs and having responsibility for directing the work of subordinates through lower level supervision.

K. MANAGEMENT REPRESENTATIVE -- the County Manager, or any employee duly authorized by the County Manager.

L. MEDIATION -- the efforts of an impartial third person, or persons functioning as an intermediary, to assist the parties in reaching a voluntary resolution of an impasse through interpretation, suggestion, and advice.

M. MEET AND CONFER IN GOOD FAITH -- performance by duly authorized management representatives and by duly authorized representatives of a recognized employee organization of their mutual obligation to meet a reasonable number of times to confer in good faith with respect to wages, hours, and other terms and conditions of employment, and includes the mutual obligation to execute a written document incorporating any agreement reached. Such agreement does not become binding until ratified by the appropriate governing body.

N. NEGOTIATE -- means to meet and confer in good faith as defined in Section 3, sub-section M above.

O. PROFESSIONAL EMPLOYEES -- means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical, and biological scientists.

P. PROOF OF EMPLOYEE APPROVAL -- when used herein means that the employee organization submitting a petition to the Personnel Director has demonstrated proof of approval by the employees whom it purports to represent by means of any one or any combination of the following:

- (1) Signed and dated signatures on a petition.
- (2) Signed and dated employee authorization cards.
- (3) Documented evidence of current dues-paying employee organization membership, or payroll dues deductions using the payroll period immediately prior to the date the petition is filed.

For purposes of (1) and (2) above, only signature of employees currently employed in permanent positions within the proposed representation unit on the date the petition is filed and whose signatures have been executed within one hundred eighty (180) calendar days prior to the date the petition is filed, shall be accepted as proof of employee approval.

The total number of employees in a proposed representation unit shall be determined by using the County salary ordinance, adjusted to reflect the positions occupied as of the date of the petition.

Q. RECOGNIZED EMPLOYEE ORGANIZATION -- shall mean a registered employee organization which has been certified in accordance with Section 12 of this resolution.

R. REGISTERED EMPLOYEE ORGANIZATION -- an employee organization which has been registered with the Personnel Director as provided in Section 7 of this resolution.

S. REPRESENTATION UNIT -- a unit composed of County employees for the purposes of employee representation, and which has been established in accordance with Section 10 of this resolution.

T. SCOPE OF REPRESENTATION -- all matters relating to employment conditions and employer-employee relations, including but not limited to wages, hours, and other terms and conditions of employment, except however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

U. SUPERVISORY EMPLOYEE -- any employee having authority to exercise independent judgment in the interest of the County to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to direct them or to adjust their grievances, or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

#### SECTION 4. EMPLOYEE RIGHTS

Employees of the County shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations. Employees of the County also shall have the right to refuse to join or participate in the activities of employee organizations. Employees shall also have the right to represent themselves individually in their employment relations with the County. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against because of his exercise of these rights.

#### SECTION 5. COUNTY RIGHTS

The County retains the exclusive right to determine the methods, means, and personnel by which County government operations are to be conducted; to determine the mission of each of its constituent departments, boards, and commissions, as well as to set standards of service to be offered to the public. It also retains the right to

administer the Civil Service system, to classify positions, add or delete positions or classes to or from the salary ordinance; to establish standards for employment, promotion, and transfer of employees; to direct its employees, take disciplinary action for proper cause, to schedule work and to relieve its employees from duty because of lack of work or other legitimate reasons. The exercise of County rights does not preclude employees or registered employee organizations from consulting or raising grievances on decisions which affect wages, hours, and other terms and conditions of employment. The County reserves the right to take whatever action may be necessary in an emergency situation, however, a recognized employee organization affected by the action shall be promptly notified. Any questions regarding the interpretation of this section or Section 4 which cannot be resolved between employee and management representatives shall, upon request by either party involved, be referred by the Personnel Director for hearing and final determination either to the Board of Supervisors or the Civil Service Commission, depending upon which body has authority over the matter in dispute.

#### SECTION 6. SCOPE OF CONSULTATION AND NEGOTIATION

- a. All matters affecting employee relations, including those that are not subject to negotiations, are subject to consultation between management representatives and representatives of registered employee organizations.
- b. The scope of negotiation between management representatives and the representatives of recognized employee organizations includes wages, hours, and other terms and conditions of employment affecting the employee representation unit.

#### SECTION 7. REQUIREMENTS FOR REGISTRATION OF EMPLOYEE ORGANIZATIONS

An organization which wishes to be registered as an employee organization shall submit to the Personnel Director a request signed by a duly authorized officer of the organization and containing the following information:

- a. Name and address of the employee organization.
- b. Names and titles of its officers, as well as designation of the officials authorized to act as representatives of the organization in employer-employee relations with the County.

c. A statement of whether or not the organization is a chapter or local of, or affiliated with, a regional or state, or national or international organization, and, if so, the name and address of each such regional, state, national or international organization.

d. A statement that the organization includes employees of the County along with proof that at least one of these employees is a member and has designated the organization to represent him. Proof of employee approval which must be supplied shall be as defined in Section 3 of this resolution. Employee organizations which are receiving dues deduction through County payroll shall be relieved of the obligation under Section 7, paragraph d.

e. A certified copy of the organization's constitution and/or by-laws and, if not contained in the constitution or by-laws, a statement that the organization has, as one of its purposes, representation of County employees in their employer-employee relations.

f. A designation of the names and addresses of no more than three persons to whom notices sent by regular United States mail will be deemed sufficient notice to the organization for all purposes.

g. A statement that the organization recognizes and is aware of Government Code Section 3509.

h. A statement that the organization has no restriction on membership based on race, color, creed, national origin, or sex.

i. A statement that the organization agrees to abide by all of the provisions of this resolution except that this shall not preclude the right of the organization to challenge by court action any provisions it deems to be invalid.

## SECTION 8. REGISTRATION OF EMPLOYEE ORGANIZATION

a. Upon receipt of all the information required by Section 7 of this resolution the Personnel Director shall notify the organization that it has been duly registered as an employee organization. A copy of this notice shall be filed with the Civil Service Commission and with the Board of Supervisors.

b. The County is under no obligation to consult with employee organizations which do not satisfactorily comply with the requirements of Section 7, and paragraph c of Section 8.

c. A registered employee organization shall report in writing to the Personnel Director within ten days any changes in the facts submitted pursuant to Section 7. When an employee organization which has been registered in accordance with this resolution no longer is designated by any County employees as their representative, the organization shall promptly notify the Personnel Director who will thereupon terminate the organization's registration. Following initial registration the Personnel Director may require verification of proof that an organization continues to represent one or more employees of the County.

#### SECTION 9. ESTABLISHMENT OF REPRESENTATION UNITS

a. Where no representation unit exists, a registered employee organization may submit a petition to the Personnel Director requesting the creation of a new representation unit. The petition shall include a list of the classifications to be included in the proposed unit, the number of employees in each classification, as well as the divisions and departments to which they belong. The petition must be accompanied by proof that the organization represents at least 30% of the employees within the proposed unit. Upon receipt and verification of such petition the Personnel Director shall promptly give notice of the request to the employees in the proposed unit and to any person or registered employee organization that has filed a written request for such notice. A petition for the establishment of a representation unit may be combined with a petition which seeks certification as the recognized employee organization representing the majority of employees in the representation unit.

b. If the Personnel Director and the County Manager agree that the proposed unit is appropriate and no challenge, as provided in Section 9, paragraph c, is filed, the Personnel Director shall establish the unit and make appropriate notifications. In all cases notification will include notification to the Board of Supervisors, the Civil Service Commission, affected departments, employees in the unit being represented, persons or employee organizations that have requested such notification, and such others as are deemed appropriate. If the Personnel Director, County Manager, and the registered employee organization do not agree on the appropriateness of the unit, the matter shall be referred to the Civil Service Commission for hearing and final decision.

c. Within 30 days of the date the notice is given to the employees in the proposed unit, another registered employee organization may challenge the appropriateness of the requested representation unit by

petitioning for the establishment of a different unit. The petition shall be filed with the Personnel Director and must be accompanied by acceptable proof that the organization represents at least 30% of the employees within the proposed different unit.

d. If a challenge is filed, the Personnel Director shall notify the registered employee organization which submitted the original petition for the new unit. If an amended petition is not filed by the original petitioner within seven days of such notice, the original petition and challenge shall be submitted to the Civil Service Commission as provided below. Upon filing of an amended petition, the original petition shall be deemed revoked and the amended petition shall be considered on its own merits as if originally filed.

e. If a challenging petition has been filed and the challenge has not been resolved by amendment of the original petition or withdrawal of the challenging petition, the Personnel Director shall submit the petition and challenge to the Civil Service Commission. The Commission shall hold hearings on all challenged petitions for representation units, at which time the registered employee organization which filed the original petition and the challenging registered employee organizations shall be heard.

f. The Civil Service Commission shall make the final determination on the appropriateness of the representation unit or units. In making such determination, the Commission shall not be limited to consideration of the unit or units requested, provided, however, that if the Commission is considering the establishment of a representation unit other than one described in an original petition or in a challenging petition, the following procedure shall be followed:

- (1) The Commission shall set a date when it will act on establishing the representation unit or units, and shall direct the Personnel Director to cause timely notice of the date and purpose of said hearing to be given to all employees within the unit or units being considered, and to all registered employee organizations;
- (2) At the time set for the hearing, the Commission shall afford all persons present, and all registered employee organizations or representatives thereof, an opportunity to be heard on the question of establishing the representation unit or units which were not described in an original petition or in a challenging petition;

- (3) After all persons and registered employee organizations or representatives thereof who wish to be heard on the matter have been afforded an opportunity to be heard, the Commission shall render its decision on establishing the representation unit or units.

## SECTION 10. CRITERIA FOR DETERMINATION OF REPRESENTATION UNIT

In the determination of appropriate employee representation units the following factors, among others, shall be considered:

- a. Minimizing fragmentation of units by achieving the largest feasible group of employees having a community of interest.
- b. The effect of the proposed unit on the efficient operation of County services, and sound employee relations.
- c. The history of employee relations in the unit, among other employees in the County, and in similar public employment and private industry.
- d. Similarity of duties, skills, wages and working conditions of employees.
- e. Whether management officials at the level of the unit have the power to agree or to make effective recommendations to other administrative authority, to the Civil Service Commission, or to the Board of Supervisors with respect to wages, hours, and other terms and conditions of employment subject to negotiation.
- f. The effect on the existing classification structure of dividing a single classification among two or more units.
- g. Professional employees shall not be denied the right to be represented separately from non-professional employees by a professional employee organization consisting of such employees.
- h. Management and confidential employees shall not be included in the same unit with non-management or non-confidential employees. Supervisory employees and non-supervisory employees may be included in the same unit. Supervisory employees shall not represent a recognized employee organization in negotiating with management representatives where conflict of interest may occur as determined by the County Manager, subject to appeal to the Civil Service Commission.

## SECTION II. MODIFICATION OF REPRESENTATION UNITS

- a. A registered employee organization may request the modification of an established representation unit by submitting a petition to the Personnel Director accompanied by proof that the employee organization represents at least 30% of the employees within the requested modified representation unit. All petitions for modified units shall be accompanied by a list of the classifications to be included in the modified unit, the number of employees in each classification, as well as the divisions and departments to which they belong. Requests for modification of an established representation unit may be filed only during the month of March of any year.
- b. The Personnel Director shall give notice of the request for modification of an established representation unit to the employees in the proposed unit and to any person or registered employee organization that has filed a written request for such notice.
- c. Within 30 days of the date the notice is given to the employees in the proposed unit, a second registered employee organization may challenge the appropriateness of the proposed modified representation unit and petition for the establishment of a different unit. The challenge shall be filed with the Personnel Director and must be accompanied by proof that the organization represents at least 30% of the employees within the proposed modified unit.
- d. If a challenge is filed the Personnel Director shall notify the registered employee organization which submitted the original petition for modification of the representation unit. If an amended petition for modification is not filed within seven days of such notice, the original petition for modification and the challenge shall be submitted to the Civil Service Commission as provided below. Upon the filing of an amended petition, the original petition shall be deemed revoked and the amended petition shall be considered on its own merits as if originally filed.
- e. If a challenge petition has been filed and the challenge has not been resolved by amendment of the original petition or withdrawal of the challenging petition, the Personnel Director shall submit the petition and the challenge to the Civil Service Commission. The Commission shall hold a hearing on the petition and challenge at which time the registered employee organization which filed the modification petition and the challenging registered employee organization shall be heard.

f. The Civil Service Commission shall make the final determination on the appropriateness of the representation unit or units. In making such determination, the Commission shall not be limited to consideration of the unit or units requested, provided, however, that if the Commission is considering the establishment of a representation unit other than one described in an original petition or in a challenging petition, the following procedure shall be followed:

- (1) The Commission shall set a date when it will act on establishing the representation unit or units, and shall direct the Personnel Director to cause timely notice of the date and purpose of said hearing to be given to all employees within the unit or units being considered, and to all registered employee organizations;
- (2) At the time set for the hearing, the Commission shall afford all persons present, and all registered employee organizations or representatives thereof, an opportunity to be heard on the question of establishing the representation unit or units which were not described in an original petition or in a challenging petition;
- (3) After all persons and registered employee organizations or representatives thereof who wish to be heard on the matter have been afforded an opportunity to be heard, the Commission shall render its decision on establishing the representation unit or units.

## SECTION 12. CERTIFICATION AND DECERTIFICATION OF A RECOGNIZED EMPLOYEE ORGANIZATION

a. A registered employee organization which seeks recognition as the recognized employee organization for a representation unit which has been requested or already established shall file a petition with the Personnel Director. The petition shall be accompanied by proof, as defined in Section 3, paragraph P, that the organization represents at least 30% of the employees in the representation unit. Upon determining that the petitioning employee organization represents at least 30% of the employees in the representation unit the Personnel Director shall notify any registered employee organization which has requested such notice and shall arrange for a secret ballot election to ascertain the free choice of a majority of such employees. Any other registered employee organization shall be shown as one choice on the

ballot upon filing of a petition and presentation of proof, as defined in Section 3, paragraph P, that the organization represents at least 10% of the employees in the representation unit. Such petition for a place on the ballot must be filed within seven (7) calendar days after notice of the petition for election has been mailed by the Personnel Department to the employees. On each ballot there shall also be included a choice of "no representative organization".

b. In an election where there are more than two choices on the ballot and none of the choices receives a majority of the votes cast by the employees within the representation unit, a run-off election shall be conducted between the two choices receiving the largest and second largest number of votes.

c. Employees entitled to vote in a representation election shall be those permanent, provisional, or probationary employees in permanent positions within the representation unit who were employees at least fifteen days prior to the date of the election. Persons employed in unclassified positions within the representation unit who were employees at least fifteen days prior to the date of the election shall be eligible to vote in an election within that representation unit. Employees who did not work during the above described time period because of illness, vacation, or authorized leave of absence, and who are otherwise eligible, shall be permitted to vote.

d. The Personnel Director shall certify the choice of representation as indicated on the ballot which receives a majority of the valid ballots cast by the employees in the representation unit. Notification of certification shall be made to the Board of Supervisors, the Civil Service Commission, departments concerned, employees in the unit being represented, challenging employee organizations, and such other persons or organizations as the Personnel Director deems appropriate.

e. The recognized employee organization shall be the representative of all the employees in such unit for purposes of meeting and conferring in good faith on matters within the scope of representation. This shall not preclude other registered employee organizations, or individual employees, from consulting with management representatives on employer-employee relations matters of concern to them.

f. Requests for decertification of an employee organization may be initiated by a petition from employees or registered employee organizations. A petition for decertification shall be submitted to the Personnel Director and must be accompanied by proof of employee

support as defined in Section 3, paragraph P of at least 30% of the employees within the representation unit. The Personnel Director shall arrange for a secret ballot election to determine if the recognized employee organization shall retain recognition or if the employees in the unit vote to have no representative organization. If the decertification petition was filed by a registered employee organization, a secret ballot election shall be arranged by the Personnel Director with choices for the currently recognized employee organization, the challenging registered employee organization, and no representative organization. In the event that none of these choices receives a majority of the valid ballots cast, a run-off election shall be held and the results certified pursuant to paragraph d of this section.

g. There shall be no more than one election in a 12 month period to certify, change, or decertify a recognized employee organization in a representation unit. In the absence of decertification, the certification of the recognized employee organization for a representation unit shall continue on a year to year basis.

#### SECTION 13. EXECUTIVE SESSIONS

Nothing in this resolution shall be interpreted as preventing, or limiting, the right of the Board of Supervisors, or of the Civil Service Commission, to hold executive sessions with the County Manager, Personnel Director, or other duly designated management representative, prior to and during consultations and discussions with representatives of employee organizations regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees in order to review its position and instruct its designated representatives.

#### SECTION 14. NEGOTIATIONS

a. Only recognized employee organizations in established representation units shall be entitled to negotiate with duly designated management representatives on wages, hours, and other terms and conditions of employment for such units. This shall not preclude other registered employee organizations or individual employees from consulting with duly designated management representatives on the same matters.

b. Negotiations shall not be required on any subject pre-empted by Federal or State law or by County Charter, nor shall negotiation be required on Employee or County Rights as defined in Sections 4 and 5.

Proposed amendments to this resolution are excluded from the scope of negotiation, but shall be subject to consultation in good faith after reasonable notice.

c. Agreements reached as a result of negotiations shall be included in a memorandum of understanding signed by the County Manager and the Personnel Director, as well as the duly designated representatives of the recognized employee organizations. Those matters over which the Board of Supervisors has exclusive cognizance will be presented to the Board of Supervisors for approval. Those matters over which the Civil Service Commission has exclusive cognizance will be presented to the Civil Service Commission for approval. Matters requiring action by both the Board of Supervisors and the Civil Service Commission shall be presented to the Civil Service Commission first for a recommendation to the Board of Supervisors. Such memoranda of understanding shall not be binding unless approved by the appropriate governing bodies of the County and the recognized employee organization.

## SECTION 15. IMPASSE PROCEDURES

a. Impasse procedures may be invoked only after all other attempts made by both parties to reach agreement through good faith negotiation have been unsuccessful.

- (1) Impasse Meeting: Any party involved in the negotiation of specific issues may invoke the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting together with a statement of its position on the disputed issues. An impasse meeting shall then be promptly scheduled by the parties involved. The purpose of such impasse meeting is to permit review of the position of all parties in a final good faith effort to reach agreement on the disputed issues.
- (2) If agreement is not concluded at the impasse meeting, the parties together may mutually agree upon a method of resolving the dispute including, but not limited to Mediation or Fact-Finding as defined below. If mutual agreement on a method for resolving the dispute is not achieved within a reasonable period of time, the dispute shall be submitted to fact-finding. Mediators or fact-finders shall make no public recommendation nor take any public position regarding the issues. All mediation and fact-finding sessions shall be conducted in private.

- (3) Mediation: The assistance of a mediator, or mediators, from the California State Conciliation Service, Federal Mediation Service, or any other mutually agreed upon mediator, shall be obtained to review all information presented by the parties and obtain such other information as considered necessary. The mediator(s) may hold meetings and attempt to induce agreement between the parties.
- (4) Fact-Finding: Shall be conducted by an impartial fact-finder or impartial fact-finding board of not more than three members. If the parties cannot agree upon the choice of an impartial fact-finder, a list of seven impartial fact-finders shall be obtained from the California State Conciliation Service, American Arbitration Association, or some other agreed upon source, and each party shall alternately strike one name from the list until only one name remains. When a three-member impartial fact-finding board is desired, each party shall select one member of the board and these two board members will then select the third board member who will serve as chairman. The parties shall inform the fact-finder(s) of the facts they want determined and the issues on which they mutually agree they want recommendations. The fact-findings and recommendations shall be confidential and submitted directly to the concerned parties. The parties shall attempt to reach an agreement by negotiation on the basis of the impartial fact-finder's findings. If the parties have not reached an agreement within a reasonable time after receipt of the findings they shall submit their positions on the unresolved issues to the appropriate level of County government which has the authority to make decision on the issues submitted. The management position shall be submitted in a report by the Personnel Director to the Board of Supervisors or Civil Service Commission, whichever is appropriate, setting forth the recommendations of the County Manager and the Personnel Director. The Board of Supervisors or the Civil Service Commission, depending on which body has cognizance over the issues in dispute, will then conduct hearings and make a decision.
- (5) The costs of mediation, fact-finding or other related services shall be divided equally between the parties involved.

b. Salary Disputes

If mutual agreement is not reached on a dispute over salaries within 90 days prior to the effective date of the annual Pay Plan

the dispute shall be submitted promptly to impasse procedures. If mutual agreement on the disputed salary matters is not reached within 30 days after the start of impasse proceedings the Personnel Director will submit a report to the Civil Service Commission containing a summary of the salary issues in dispute, along with his recommendations and those of the County Manager. The Civil Service Commission will hold such hearings or meetings as may be necessary in order to decide the issues and to formulate its Pay Plan recommendations to the Board of Supervisors in accordance with the provisions of the San Mateo County Ordinance Code.

## SECTION 16. UNFAIR EMPLOYEE RELATIONS PRACTICES

- a. It shall be unfair employee relations practice for the County to:
  - (1) interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this resolution.
  - (2) dominate or interfere with the formation of any employee organization or contribute financial support to it provided that the County may permit the use of County facilities, make dues deductions, and permit employees who are officers or representatives of employee organizations to confer with County officials during working hours without loss of time or pay, subject to applicable regulations.
  - (3) refuse to negotiate with representatives of recognized employee organizations on negotiable matters during the periods prescribed by this resolution.
  - (4) refuse or fail to cooperate with any duly designated mediators or fact-finders.
- b. It shall be unfair employee relations practice for employees or employee organizations or their agents to:
  - (1) interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this resolution.
  - (2) refuse to negotiate with County officials on negotiable matters when the employee organization involved has been recognized as the majority representative.
  - (3) refuse or fail to cooperate with any duly designated mediators or fact-finders.

- (4) engage in a strike, slow-down or work stoppage of any kind against the County.

c. Charges of violations of this section or of this resolution may be initiated by a management representative, by a representative of an employee organization, or by an individual employee or group of employees. Such charges shall be filed in writing with the Civil Service Commission. Each charge so filed shall be processed in accordance with the rules and regulations of the Commission.

- (1) If the Commission's decision is that the County has engaged in an unfair employee relations practice, the Commission shall recommend to the Board of Supervisors that it take appropriate corrective action. The Board of Supervisors shall act on the Commission's recommendation within 30 days.
- (2) If the decision is that an employee(s) or employee organization or its agents, have engaged in an unfair employee relations practice, the Commission shall request the offending party to take appropriate corrective action. If compliance with the Commission's request is not obtained within 30 days the Commission shall request the Personnel Director, the County Manager or the Board of Supervisors to take appropriate action.

#### SECTION 17. RESTRICTIONS ON ACTIVITIES OF MANAGEMENT AND CONFIDENTIAL EMPLOYEES

Management and confidential employees who are members of an employee organization that includes as members employees who are not management or confidential employees shall not:

- a. serve on committees which deal with matters which are within the scope of representation, or
- b. serve as representatives of such employee organization before County management.

#### SECTION 18. GRIEVANCES

##### a. Grievances of Individual Employees or Groups of Employees

The existing County grievance procedure provides a progressive series of steps through which employees may present complaints or grievances

arising out of their employment or working conditions. This procedure is designed to resolve grievances at the lowest supervisory level consistent with justice and administrative policy. It is the intent of this resolution that the existing grievance procedure unless changed by the Board of Supervisors will continue to be used for the above described purposes, including recognition of that part of the procedure that entitles an employee, or group of employees, to representation by representatives of a registered employee organization.

b. Supervisory employees shall not represent non-supervisory employees in a grievance procedure where such activity might result in a conflict of interest.

#### SECTION 19. ADVANCE NOTICE TO REGISTERED EMPLOYEE ORGANIZATIONS

a. Each registered employee organization affected shall be given reasonable advance written notice of any ordinance, resolution, rule or regulation directly relating to matters within the scope of representation proposed to be adopted by the County and shall be given the opportunity to meet with the appropriate management representatives prior to adoption.

b. When the foregoing procedure is not practical or in the best public interest, the County may adopt or put into practice immediately such measures as are required. At the earliest practicable date thereafter the registered employee organizations shall be provided with the notice described in paragraph a above and be given an opportunity to meet with the appropriate management representatives.

#### SECTION 20. ATTENDANCE AT MEETINGS BY EMPLOYEES

County employees who are official representatives or unit representatives of recognized employee organizations shall be given reasonable time off with pay to attend meetings with management representatives, or to be present at hearings where matters within the scope of representation are being considered. The use of official time for this purpose shall be reasonable and shall not interfere with the performance of County services as determined by the County. Such employee representatives shall submit a written request for excused absence to their respective department heads, with an information copy to the Personnel Director, at least two working days prior to the scheduled meeting whenever possible. Except by mutual agreement between the department head and the Personnel Director the

number of employees excused for such purposes shall not exceed three for any one unit or for any one employee organization. If the department head disapproves any employee's request for excused absence the department head's decision shall be subject to appeal to the County Manager.

## SECTION 21. USE OF COUNTY FACILITIES

### a. Communication with Employees

A recognized employee organization which represents employees of a County department shall be allowed by that department use of space on available bulletin boards for communications, provided that it does not interfere with the needs of the department. A recognized employee organization may distribute materials to employees within the unit it represents through County mail distribution channels if approved by the County Manager. This privilege may be revoked in the event of abuse after the County Manager consults with representatives of the recognized employee organization. Any representative of an employee organization shall give notice to the department head or his designated representative when contacting departmental employees on County facilities during the duty period of the employees, provided that solicitation for membership or other internal employee organization business shall be conducted during the non-duty hours of all employees concerned. Prearrangement for routine contact may be made, and when made shall continue until revoked.

### b. County Buildings

County buildings and other facilities may be made available for use by County employees or an employee organization or their representatives in accordance with such administrative procedures as may be established by the County Manager or department heads concerned.

c. Only a recognized employee organization may have the regular dues of its members within a representation unit deducted from employee's pay checks under procedures prescribed by the County Controller for such deductions. Dues deduction shall be made only upon the signed authorization form by a member. Current dues deductions for members of a registered employee organization in a representation unit shall be discontinued within ninety (90) days following certification of the recognized employee organization as majority representative of the unit, unless sooner discontinued by request of the individual member. Thereafter, dues deductions shall be authorized only

for the recognized employee organization. Where no appropriate unit has been established, registered employee organizations shall be entitled to the dues deduction privileges whenever a minimum of forty members have authorized payroll deduction of dues.

## SECTION 22. ADMINISTRATION

The Personnel Director is authorized to establish rules and procedures to carry out the intent of this resolution. He shall also have the authority for the administrative interpretation of this resolution. Interpretations made by the Personnel Director are subject to appeal to the Civil Service Commission by any employee or any registered employee organization. All elections authorized by this resolution shall be conducted by the State Conciliation Service or some other party agreed on by the County and concerned employee organizations.

## SECTION 23. CONSTRUCTION

a. Nothing in this resolution shall be construed to deny any person, employee, or employee organization the rights granted by Federal and State Laws.

b. The rights, powers and authority of the Board of Supervisors and Civil Service Commission and the rights of employee organizations in all matters, including the right to maintain any legal action, shall not be modified or restricted by this resolution.

c. The provisions of this resolution are not intended to conflict with, nor shall they be construed in a manner inconsistent with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq.) as amended.

## SECTION 24. SEPARABILITY

If any provision of this resolution, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this resolution or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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